

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

EL SHAFEE ELSHEIKH,
Defendant.

Case No. 1:20CR239-2
Honorable T.S. Ellis, III

Trial: Jan. 18, 2022

DEFENDANT'S PROPOSED VOIR DIRE

El Shafee Elsheikh, by counsel, pursuant to this Court's Scheduling Order (Dkt. 173), dated December 8, 2021, hereby submits the following case-specific proposed voir dire, and requests that jurors who respond affirmatively be required to provide their responses outside the hearing of the other members of the jury panel.

Overseas Charitable/Relief Organizations

1. Have you ever donated money to or volunteered to work at charitable causes or relief organizations outside the United States?
2. If yes, what charitable causes or relief organizations have you donated money to or volunteered or worked for?
3. Do you know anyone who has ever donated money to, or volunteered to work for:
 - a. Doctors Without Borders or the French organization Medecins Sans Frontiers
 - b. Impact Initiatives (A Swiss-based NGO subcontracted to (ACTED))
 - c. ACTED (French relief agency)
 - d. Support to Life (based in Turkey)
 - e. Special Emergency Response and Assistance (SERA) (a non-governmental organization he founded)
 - f. Aid4Syria

Military Service

4. Have you or a close member or your family ever served in a combat or militarized zone in Iraq, Syria, Afghanistan, or other areas overseas?
 - a. If yes, where is, or was that person stationed?
 - b. What were the approximate dates of service?
 - c. What was the branch of service and highest rank attained this person attained?
 - d. Was that person ever in a combat situation?
5. Have you, a member or your family, or close friend been injured or killed while serving in a combat or militarized zone?

Muslim Bias

6. Have you or a close member of your family had personal contact with people who are Muslim, Syrian, Kurdish or of Arab descent?
 - a. If yes, how do you know that person?
7. Have you, or a close member of your family, or close friend had any experience which would cause you to be biased against a defendant who is Muslim, Syrian, Kurd, or person of Arab descent?
8. Do you have any feelings or preconceptions that would make it difficult for you to decide a case with an open mind, that involves allegations of Muslim or persons of Arab descent engaging in acts of murder, kidnapping and maiming in foreign countries?
9. Do you have any feelings or preconceptions that would make it difficult for you to decide a case with an open mind, that involves allegations of Muslim or persons of Arab descent engaging in or involvement in slavery?

Bias Against Islam

10. Are you knowledgeable about the history and practices of Islam?
11. Do you have any personal experience or knowledge of other countries or regions in which Islam is the predominant religion?
12. Have you or any member of your family or close friend had any dealings with any Muslim or Islamic organization?
13. Do you believe that Islam endorses violence to a greater degree than other major religions?

Terrorism

14. Do you have an opinion about the word “jihad?”
 - a. What do you understand the word to mean?
15. Do you have an opinion about the words “Islamic fundamentalist?”
 - a. What do you understand these words to mean?
16. Do you know anyone who presently lives in Syria?
17. Have you or any member of your family or close friend had any personal experience with acts of terrorism?
18. Do you worry that you or a member of your family will be the victim of an act of terrorism?
19. Do you have positive or negative feelings about serving as a juror on a case involving terrorism-related charges?
20. If there was evidence in this case that the defendant advocated in favor of jihad against the United States foreign policy, or was critical of America or other countries or religions, would it affect your ability to judge the case fairly?

Media

21. Have you followed the traditional media or online coverage of the armed conflicts in Syria?
 - a. What is the source of your information?
 - b. How frequently do you acquire this type of information?
 - c. Based on what you have experienced, heard or read, what opinions, if any, have you formed about the role the U.S. has played in Syria?
22. Have you followed the traditional media or online coverage about armed conflict involving ISIS?
 - a. What is the source of your information?
 - b. How frequently to you acquire this type of information?
 - c. Based on what you have experienced, heard or read, what opinions, if any, have you formed about ISIS?

23. How knowledgeable are you about the Syrian Democratic Forces also known as the SDF?

- a. What is the source of your information?
- b. Based on what you have experienced, heard or read, what opinions, if any, have you formed about the SDF?

24. Have you seen, read, or heard anything about this case?

- a. What have you seen, read, or heard?

25. Have you seen, read or heard about any statements or actions made by or attributed to El Shaffee ElSheikh?

26. Based on what you have seen, read or heard, what feelings or opinions, if any, have you formed about this case or about El Shaffee ElSheikh?

Forensic Evidence

27. Would you give greater weight to testimony that was characterized as “forensic testimony or evidence” than to other types of evidence?

Language Skills

28. Do you speak, write or understand Arabic?

- a. If yes, do you watch, listen to, or read any Arabic-language
 - television or radio stations?
 - Social media?
 - Newspapers or online news reporting?

Journalists/Reporters

29. Have you or anyone you know ever worked as a journalist or reporter, either in the United States or overseas?

- a. If yes, in what country?
- b. Did you, or that person report on events occurring in a combat or militarized zone?
- c. Was your safety, or the safety of that person ever at risk?

Respectfully Submitted,

EL SHAFEE ELSHEIKH,
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December 2021, I filed the foregoing pleading through the ECF system, which shall then send an electronic copy of this pleading to all parties in this action.

_____/s/_____
Zachary A. Deubler, Esq.